

FILED
BILLINGS, MT
2006 FEB 6 AM 10 35
PATRICK E. DUFFY, CLERK
BY _____
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

JARVIS EDMOND CARTER,)	CV-05-166-BLG-RFC
)	
Petitioner,)	
vs.)	
)	ORDER AFFIRMING FINDINGS
JAMES MacDONALD, WARDEN OF CCC,)	AND RECOMMENDATIONS
)	
Respondent.)	
_____)	

On January 5, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Carter's Petition be dismissed and his application to proceed *in forma pauperis* be DENIED.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the January 5, 2006 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*,

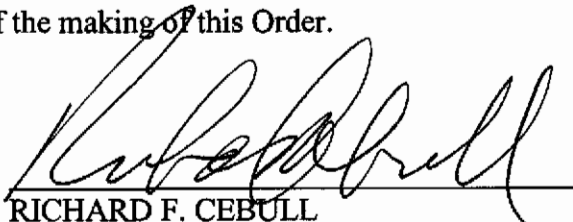
158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Carter's Petition [*doc. #1*] is **DISMISSED** and his application to proceed *in forma pauperis* [*doc. #2*] is **DENIED**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED this 6 day of February, 2006.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

DATE: 2/6/06

BY: _____

I hereby certify that a copy of
this Order was mailed to:

Jarvis Edmond Carter